right, "all of which was published, all which was circulated in wilful disodience and deliberate violation of the njunction and for the purpose of inciting d accomplishing the violation genermy and in pursuance of the original non design of himself and confedertes to bring about the breach of plain-I's existing contracts with others, derive plaintiff of property the good will ( its business) without due process of restrain trade among the several restrain commerce among the

PRIAtes," As to Secretary Frank Morrison the ourt declared that he had full knowledge all that was being done, took part in ie preparation and publication of the is preparation and publication of the merican Federationist of April, 1908, its complete knowledge of its contents. Oncerning Mitchell the Court pointed various acts by him which, he said; sed him within the pale of the law. He used from Mitchell's book on "Organ-ed Labor: Its Problems, Purposes and leah," certain passages wherein Mitchell declared that it was the fully of all atrictic and law abiding citizens to resist disregard frigunctions when they fordisregard injunctions when they for-de the doing of a thing which is lawful. Mitchell also was credited with signing, with full knowledge, the 'urgent appeal' high accompanied the 2,000 or more ircular letters to the various secretaries, a heretofore specified against Compers and Morrison, and, with full knowledge of heir contents, counselling their distribution and with the same purpose and

Having fixed responsibility upon the ree individuals for utterances, writings. the opinion continued: In defence of the charges now at bar either apology nor extenuation is deemed to be embraced. No claim of unmeant

tumacy is heard. Persisting in conviolation of the order, no defence offered save these: "That the injunction (1) infringed the conitutional guaranty of freedom of the press, d (2) infringed the constitutional guar-

nty of freedom of specca." These defences do not fill the measure of ase; the injunction was designed to stay the general conspiracy, of which the publication of "unfair" and "we don't patnize" lists were but incidents; the injuncn interferes with no legitimate right of ticism or comment that law has ever that it does so is a mockery and a pretence Referring to the freedom of the press, stice Wright said that the Constitution

Referring to the freedom of the press, sustice Wright said that the Constitution nowhere confirmed the right to speak to print or to publish. "It guarantees," he said, "only that so far as the Federal Government is concerned its Congress shall not abridge it and leaves the subject to the regulation of the several States where it belongs."

"Who can be persuaded," he asked, "that the penalizing of false and malicious libels upon the integrity of honorable men or slanders upon the virtues of chaste women is an outrage upon the constitutional rights of the villifier? " "No right to publish either the libel or the slander can be sustained except upon the theory of a right to do a wrong."

Justice Wright dismissed the contention that the injunction invaded the right of free speech of the press, saying:

The position of the respondents involves stions vital to the preservation of social rder, questions which smite the foundations of civil government and upon which the

atroversies to be determined in inhis formally constituted by the law land for that purpose, or shall each rious way? . Are causes pending in courts be decided by courts for litigants, or the of each distempered litigant impo

the opinion of the Court even when ibunal had fallen into error or de-nination of a cause which it was atted with jurisdiction "to hear and armine," the duty and necessity of dience remained nevertheless

fore this injunction was granted these can Federation of Labor would obey er it, and through the American Federaober it, and through the American redera-tion of Labor disobedience has been suc-cessfully achieved and the law has been made to fail. Not only has the law failed in its effort to arrest a widespread wrong at the injury has grown more destructive ce the injunction than it was before.

the written in this record that the labor e's daily affairs deeper than does the restrict him in matter that the law eaves free, and then so continually crowd hely authority upon his attention that aibly he comes to regard them as of atrol in his affairs: the fact that he regards them as authority leads him to heed them use of his readiness to yield to authory; his very respect for authority assumes set all authority is respectable, and so pon them he relies, by them he is led. Amouncing freedom to purchase what and where one will, they deny that right thim himself; proclaiming the right of

all men to labor, they restrict it to the of a union card; declaring the right tenjoy full earning capacity, they limit Says the authority of law, "I lead you by

uth." Says the other, "I lead you by Says one, "I stand for the obligaother, "I throw down contracts, even though ns of contracts, including yours"; the Says one, "I am for law"; the

ther, I for unlaw."
It would seem not inappropriate for such spenalty as will serve to deter others from following after such outlawed, examples even though late; will serve to vindicate the derly power of judicial tribunals and tablish over this litigation the supremacy

When the Court asked if defendants d saything to say why sentence should be passed. Samuel Gompers advanced step and, addressing the Court, spoke into or ten minutes on the right of free sech and a free press. Mitchell and origin then rose to say that they intend what Gompers had said. The appeal noted by defendants coursel to the Court of Appeals of the District Columbia. Bail for Gompers, Mitchell Morrison was furnished by a local sety company.

ation's Practice of the Boycott.

HISTORY OF THE LITIGATION. The First Real Legal Attack on the Feder-

The litigation which resulted yesterday the jail sentences for Gompere, Mitchell and Morrison began in August, 1907, when the Buck's Stove and Range Company of St. Louis brought suit in the Supreme Court of the District of Columbia to restrain the American Federation of Labor from boycotting its goods. The suit of the St. Louis company was the first real legal attack on the Federation on account of its practice of the boycott At the time the suit was brought James W. Van Cleave, president of the Buck's Stove and Range Company, had this

explanation to make: "My object," he said, "in bringing this suit is to be allowed to manage the affairs of my factory in the way in which experience tells me they ought to be man-aged so long as I violate no contract with my workmen and break no law of the land. The principle involved is that

Mr. Van Cleave added that in his opinion

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he had been singled out by the Federation for attack because he had always stood for the open shop and because he was prominent in the National Association of Manufacturers and the Citizens Industrial Alliance, both of which stood for the open shop. He said that the unions insisted that the earning power of his employees should be limited and that no men should be allowed to work ten hours instead of nine if they wanted to. He brought suit in the District of Columbia court because the headquarters of the American Federation of Labor was in ts jurisdiction.

It was not until November, 1907, that the application for an injunction was argued in court. In the meantime the \*\*Federation\*\*ist, the organ of the American Federation of Labor, went on publishing in its "We don't patronize" or "unfair" list the name of the Buck's Stove and Range Company. On December 17 Justice Ashley M. Gould granted a temporary injunction restraining the Federation from maintaining its boycott against the stove company. The attorneys for the plaintiff had argued that the boycott was not only a violation of the common law, but also that it constituted a combination in restraint of trade and was therefore illegal under the Sherman anti-trust law, which had previously been invoked against combinations of capital. In his decision Justice Gould said:

"There is no attempt to deny that the It was not until November, 1907, that

"There is no attempt to deny that the plaintiff's customers, even those under contract, have refused to continue busicontract, have refused to continue business dealings with it under threats of being boycotted by the local organizations affiliated with the Federation." He added: "The record in this case leaves no doubt that the plaintiff has been and still is the object of a boycott, using that word in its most obnoxious sense, namely, an unlawful conspiracy to destroy its business; such a conspiracy as has rebusiness; such a conspiracy as has re-peived the condemnation of every Federal and State court in the country before which it has been brought for criminal legal redress or equitable

Justice Gould described at some length Justice Gould described at some length the boycott machinery of the American Federation of Labor and made the point that all who acceded to a conspiracy after its formation and while it was in operation and all who with a knowledge of the facts concurred in the plans originally formed and aided in executing them were

formed and aided in executing them were fellow conspirators.

The temporary injunction was made permanent on March 23, 1908, after a heasing before Chief Justice Harry M. Clabaugh of the Supreme Court of the District of Columbia. The final decree was aimed against the American Federation of Labor, Samuel Gompers and Frank Morrison, president and secretary respectively, and John Mitchell and other members of the executive council. It prohibited publishing the name of the respectively, and John Mitchell and other members of the executive council. It prohibited publishing the name of the Buck's Stove and Range Company in the "We don't patronize" list of the Federationist. The defendants were also enjoined from "conspiring, agreeing or combining in any manner to restrain obstruct or destroy the business of the complainant and also from publishing or distributing through the mails any matter referring to the business of the complainant as unfair or attempting to coerce others from patronizing the firm. It was generally regarded as the most sweeping injunction ever granted against the labor boycott.

Gompers, Mitchell and Morrison at once noted an appeal to the Court of Appeals of the District of Columbia and filed the necessary bond, but took no legal action to obtain a stay pending the determination of the appeal. In the last January number of the Federa-

no legal action to obtain a stay pending the determination of the appeal. In the last January number of the Federationist, published soon after the issue of the temporary injunction, the unfair list appeared as usual acontaining the name of the Buck's Stove and Range Company. Gompers contended, however, that the magazine had been in the press before the injunction was made operative, though he admitted that he personally hastened the publication because he was not sure whether the Buck's Stove and Range Company would file the bond necessary to put the injunction in force. Later numbers of the Federationist omitted the unfair list, but contained threats of vengeance against Congressmen and other lawmakers who opposed measures that labor organizations backed, especially measures to legalize the boycott.

Especially bitter were the attacks of the *Federationist* regarding a labor decision that was handed down by the Supreme Court of the United States a few weeks after the Buck's Stove and Range Company got its injunction. This decision declared the secondary boycott an illegal weapon and a violation of the anti-trust law where it injured the sale of merchandise going into another State than the one where it was manu-factured. This was the case of the Lowe Hat Company of Danbury, Conn., which declined to unionize its factory. Its name was accordingly published in the Journal of the United Hatters of North America and in the American Aedera-tionist. The court's decision was unani-mous, Chief Justice Fuller writing the

mous, Chief Justice Fuller writing the opinion.

"The combination charged," said Justice Fuller among other things, "aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination imposes, and there is no doubt that 'at common law every person has individually and the public also has collectively a right to require that the course of trade should be kept from unreasonable obstructions."

On January 20 last a petition was filed

reasonable obstructions."

On January 20 last a petition was filed in the Supreme Court of the District of Columbia on behalf of the Buck's Stove and Range Company asking that Gompers, Mitchell and Morrison be required to show cause why they should not be punished for contempt of court in violating the injunction against beyontting. punished for contempt of court in vio-lating the injunction against boycotting the business of the stove company. The application charged that despite the court's order the defendants had "frecourt's order the defendants had "frequently, regularly and systematically wilfully and with premeditation, violated the said order" and had "totally disregarded the same." The application reviewed the boycott attitude of the Federation and laid some stress on Mr. Gompers's "Go to with your injunctions," published in the Federationist for October 1907.

continued the stove company charged that in several numbers of the Federationsis there were printed statements to the effect that there was no law compelling anybody to buy a Ruck's stove, and the application cited several quotations to the same effect from public addresses made by Mr. Gompers, the general charge being that the Federation was continuing to carry on a fight against the stove company's business in a manner forbidden by the injunction.

When the application came up for a hearing on September 9 the attorneys for the plaintiff requested an adjournment. This was fought by the lawyers for the labor people, Alton B. Parker being at their head. It was plain that the labor leaders wanted a decision before the election, but Justice Gould held that the request to take testimony was not an unreasonable one and postponed the hearing for thirty days. The hearing which resulted in jail sentences for Gompers, Mitchell and Movrison accordingly began on November 10.

T SHOULD END THE BOYCOTT

And Be the Most Important Labor Deelsion Since the Debs Case, Says Beck. James M. Beck, who with Daniel Davenport and J. J. Darlington represent the Buck's Stove company and who made the closing argument for the stove company in the contempt proceedings, said "Counsel for the Buck's Stove company

in this proceeding reluctantly discharged what seemed to them an imperative duty not only to their client but to the public. Had we not done so, decrees of courts of equity against the widespread boycotts of the Federation of Labor would have pecome worse than a farce. This case ought to be the death knell of the boycott. If so it is the most important decision in a labor controversy since the Debs case, in which it only differs in the fact that in the Debs case physical vio-lence was used to paralyze interstate traffic. In the Buck's Stove case the intraffic. In the Buck's Stove case the insidious and far more dangerous method of a national boycott was employed. Manufacturers throughout the country were by its methods sandbagged into subserviency to the executive council of the Federation of Labor. In the hat industry alone three-fourths of the manufacturers had surrendered their economic freedom to the tyranny of the boycott. For both the employer and employee the courageous action of Judge Wright ought to prove a judicial emancipation from a form of tyranny of which President Roosevelt recently and most forcefully said in substance that it is one of the most cruel forms of oppression that the most cruel forms of oppression that the wit of man has yet devised for the in-liction of suffering on his fellow man."

FEELING IN INDIANAPOLIS.

Labor Leaders Protest Against Decision -Say It Will Force Them Into Politics. INDIANAPOLIS, Dec. 23.-Labor leaders n this city were dumfounded by the news from Washington this afternoon that Mitchell, Gompers and Morrison had been sentenced to jail by the United States District Court for violating an injunction, and many of the leaders were loud in their dissents from the construction of the law in the case.

W D. Ryan, national secretary-treasurer of the United Mine Workers, of which John Mitchell was president when the alleged boycott resolution was acted on at the miners' convention a year ago, sent the following telegram to President Roosevelt at noon: Theodore Roosecelt, President, Washington,

D. C. As an official representative of the United Mine Workers of America I emphatically protest against the court decision sending flompers, Mitchell and Morrison to jail. know of no law that has been violated by Gompers or Morrison in connection with the case in question and I am positive that fitchell is absolutely innocent.

W. D. RYAN. In making comment on the decision Ryan said:
"This decision appears to me to be absolutely contrary to the spirit of American institutions. Our Government lays the burden of proof of guilt on the State, but and the spirit of american law has been reversed and the burden is placed on the individual to prove that he is innocent. I cannot but feel that labor in America is outraged by this decision. Its effect will be to arouse the laboring men of this country as they have never been aroused before. It will bring them into political action and make them

T. Good of Indianapolis, a member of the national tabulation committee of the United Brotherhood of Carpenters

more than ever discontented with prese

of the United Brotherhood of Carpenters and Joiners, in making comment on the decision said:

"They were very careful to postpone until after election the handling of this case. The effect on the American laboring man is going to be most decided."

"Yes," said O E. Woodbury of Chicago, another member of the committee, this thing will bring the laboring people of the country into the political field, and one of the things that it will do will be to shift from organized capital the appointive power of the Judges of our Federal courts. It will awaken the people to a realization that the bench should be filled by the will of the people."

John Rice, another member of the committee, whose home is in New York city, declared that this was the tocsin for political organization among the laboring people.

A. J. Blondin of St. Louis and C. S. A. J. Blondin of St. Louis and C. S. Moseley of Alabama, other members of the committee, held similar views to those expressed by their fellow committeemen.

BRYAN HAS NOTHING TO SAY He Has Considered the Court's Decision Very Carefully.

PHILADELPHIA, Dec. 23 .- "It is not my policy to criticise either the Federal courts or their actions," declared William lennings Bryan when he was told of the sentencing of Gompers and Mitchell this morning. "The commitment of two men so prominent in the labor movemen as Gompers and Mitchell to prison is unique in the annals of the labor move-

unique in the annals of the labor move-ment in this country.

"Until I have considered the matter very carefully I can have nothing to say with regard to the matter. Criticising a United States Court is far too eeri-ous a matter to be resorted to when the basis of the criticism may be a mere misconception."

WILL STIMULATE LABOR. Street Railway Strike Leader's View of

the Effect of the Decision. PHILADELPHIA, Dec. 23.-C. O. Pratt. chairman of the executive committee of or October, 1907.

While the unfair list had been distilled the Amalgamated Association of Street

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 Special values now and Overcoats are always for many of them were \$30, \$32, \$35, \$38 and \$40. fully worth their price.

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> MADISON SOUARE NEW YORK.

and Electric Railway Employees, who is in this city managing the campaign of the motormen and conductors of the Rapid Transit Company for an increase in their pay and shorter working hours, sent the following telegram to Mr. Gompers:

Justice Wright's decision sentencing your self, Morrison and Mitchell to jail will not compel me to patronize the Buck's Stove Company or buy any article made, under unfair conditions. There are inherent inposition during the recent campaign. It proves the contention made by labor

during the last Presidential campaign that abor needs more favorable legislation It is a further evidence of the seemingly determined effort to destroy the men who have worked for many years for the cause However, it will stimulate labor and cause

a completer organization and firmer stand to support the friends of labor and to discover the men who are active in opposit tion to the workingman's interest.

Protest From John H. Walker of the United Mine Workers.

SPRINGFIELD, Ill., Dec. 23.—John H. Walker, State president of the United Mine Workers of America, to-day sent a Mine Workers of America, to-day sent a telegram to President Roosevelt protesting against the jall sentence passed on Samuel Gompers. Frank Morrison and John Mitchell for contempt of court in the Buck's Stove and Range Company injunction cases and saying that while the sentence might be in accordance with the law the law was an unjust one and that it ought to be repealed.

BRYAN NOT PROMISING. However, He Hopes He Won't Have

Run Again for President. PHILADELPHIA, Dec. 23.-William Jennings Bryan made a statement here this afternoon defining his position with regard to his future in politics. He dedares that he expected to be in politics for the next twenty years, hopes that it will not be necessary for him ever to run again for any public office, but cannot say that he will refuse ever to run again. The statement in part follows:

"I earnestly hope it will never be neces sary for me ever to run again for any public office. I prefer to do my work as a private citizen henceforth. When have been asked, however, whether I hall refuse ever to be a candidate again shall refuse ever to be a candidate again I have said that I will never promise anybody not to be a candidate for any office. "The statement that I will not promise not to run again would not have been to a question. I repeat, I do not see why the question should be asked. The man who asks it has not, in my opinion, herse

it convenient to be present whenever a man or a group of men attempt to Republicanize the Democratic party.

"I have no regrets about my course in regard to Col. Guffey. He deliberately constired to defeat the will of the Democratic party in Pennsylvania after it had been expressed at the primaries and I believe in the right of the people to rule."

FORAKER STILL IN THE FIGHT.

He Returns to Cincinnati From Columi to Eat His Christmas Dinner.

CINCINNATI, Dec. 23.—Senator Foraker returned from Columbus' to-night. The Senator said that he had returned to Cinginnati to eat Christmas dinner with his on-in-law and daughter, Mr. and Mrs. Randolph Mathews. He had nothing to say regarding the Senatorial situation.

say regarding the Senatorial situation. He said he would return to Columbus after Christmas. His son, Capt. J. B. Foraker, Jr., vice-president of the Cincinnati Traction Company, answered the question as to whether there was anything in the reports that the Senator was on the eve of retiring from the race with these words: "He is in the fight to stay."

Close friends of the Senator said tonight that he still had a good chance of winning out. These same friends declared that Charles P. Taft would certainly be unable to land the prize. They argued that Taft had no way near enough votes and that no more were in sight. The caucus, these same friends of Foraker declared, was already a defeated proposition. They were emphatic in saying that a caucus would not be held.

TAFT'S ONLY VISITOR. Sir Horace Plunkett Has a Talk With the Next President.

Augusta, Ga., Dec. 23.-Sir Horace Plunkett, a well known member of the Liberal party in England, was Mr. Taft's only visitor to-day. Sir Horace is charged officially with the development of agricultural interests in Ireland. He has cultural interests in Ireland. He has been conferring with President Roosevelt in regard to this country's plans for the preservation of its natural resources and he ran down to Augusta to meet Mr. Taft and have a talk with him along the same lines.

Miss Helen Taft, who is a first year student at Bryn Mawr College, arrived this morning. She completed the family circle. It is the first time the family has been together since Mr. Taft was nominated.

nated.

Mr. and Mrs. Taft may go on a trolley excursion to-morrow to Aiken, S. C. It is twenty-two miles from Augusta. There is scarcely a day now that Mr. Taft doesn't receive inquiries from one source or another in regard to the scare reports that are being circulated about work on the Panama Canal. Mr. Taft said 20-day that he did not intend to let these reports worry him, that he was going to wait until he visited the Isthmus with a corps of engineers before placing any oredence in the reports.

Why Mr. Wheeler Bought His Own Horse. Van Tassel & Kearney, at whose stables, 132 East Thirteenth street, Everett stables. 132 East Thirteenth street, Everett E. Wheeler bought at auction on Tuesday a horse which had been rented from his own stables in Williamsburg earlier in the day, explained yesterday that the man who brought in the horse for sale was under suspicion from the start that the wagon to which the animal had been hitched was found in the street near the stables and that Mr. Wheeler, having been telephoned to about it, came over, identified his property and then, with the proprietors of the stables, arranged to go through with the sale so as to clinch the case against the offender.

## F. A. BURNHAM KILLED BY GAS

WIFE FINDS HIM DEAD; CORO-NER SAYS ACCIDENT.

Apparently Mismanaged Lighting o Heater and Was Asphyxiated While Reading in Bed-Under Five Indictments and Jerome Had Trial initind

Frederick A. Burnham, former president of the Mutual Reserve Life Insurance Company and among the first to be indicted for larceny and forgery following the investigation of the Armstrong commission, was found by his wife dead in his bed at his home at 68 East Seventy-eighth street a few min-utes after 5 o'clock yesterday morning. Gas was flowing into his room from an opened cook in a heater standing in an adjoining bathroom. Coroner's Physi-cian Weston, and Dr. Elmer A. Miller of 963 Madison avenue, who had been treating Mr. Burnham for heart weakness, agreed that death had been caused by gas asphyxiation.

The police set the case down in the East Sixty-seventh street station blotter as "suspected suicide." Coroner Peter C. Acritelli, who with his physician made an examination later in the morning, said he believed Mr. Burnham died as the result of an accident. Mr. Burnham died as the result of an accident. Mr. Burnham died as the result of an accident. Mr. Burnham s family and his attorney, John T. McGovern, seconded the opinion of the Coroner.

When Mrs. Burnham entered her husband's bedroom and found him propped up on pillows with his spectacles still on his nose and a magazine he had been reading by his side, there was very little gas in the room; not enough in fact to make it difficult for her to breathe. Dr. Miller explained later that because of forgery charges under which Frederick Rumbers and rested. Burnham had rested after the ficial of ficers of the Mutual Reserve after the trial of George Burnham, for on December 2, 1907, Justice Dowling of the Suprame Court, Criminal Branch, dismined this point proposed court, Criminal Branch, dismined retail of George Burnham, for on December 2, 1907, Justice Dowling of the Suprame Court, Criminal Branch, dismined severe for the fill of George Purnham, for on December 2, 1907, Justice Dowling of the Suprame Court, Criminal Branch, dismined

dividual rights which no court can deprive up on pillows with his spectacles still me of. It is a strong indersement of your on his nose and a magazine he had been Miller explained later that because Mr., Burnham's weak heart very little gas would have been sufficient to produce

asphyxiation.

Mr. Burnham lived with his wife, his son Frederick K. and his daughter-in-law in the brownstone house on Seventy-eighth street. Because of the holiday season Mrs. Lillian Baldwin of Dorchester, Mass., Mrs. Frederick K. Burnham bad given before Special Master, Edward S. Rapallo, appointed by the United States. Circuit Court to take testimony ham's mother, was a guest, and others were expected on Christmas, According to a statement made by Mr. McGovern, Burnham's attorney, Mr. Burnham retired at about 11 o'clock on Wednesday night. His room is behind that of his wife and is connected with hers by a door. At the rear of Mr. Burnham's room is the bathroom.

At about half past eleven Mr. Burnham called to his wife in the front room that since she had her windows open and he felt the draught he would close the door between their apartments and light the gas heater in the bathroom. Mrs. Burnham heard her husband moving about in the bathroom and subsequently heard him return to his bed.

Mrs. Burnham did not smell gas during the night. She arose at 5 o'clock in the morning, as was her custom, and went to her husband's room. As soon as she entered the bedroom she smelled gas, but there was not enough of a taint to alarm her. The light was still burning and Mr. Burnham sat propped up by pillows as if he had fallen asleep while reading. Mrs. Burnham called to him but he did not answer. Then she tried delegation of Yale men, headed by the to arouse him, even slapping his face smartly. When that did not cause signs ousness she ran upstairs to summon her son Fred.

The young man shook his father, whose body was still warm, but beyond a twitch-made here to-day. President Arthur T. ing of the mouth there was no sign of Hadley of Yale, a close friend of Mr. life. Dr. Miller was summoned. He Taft of many years standing, will be arrived within fifteen minutes and said asked to head the Yale delegation, which that Mr. Burnham was dead. Mr. Burn- will take part in the inauguration of the ham's death was not reported to the po-"I want to say this, however, I am still lice until after 9 o'clock in the morning. the United States. in politics. I expect to be in politics for about twenty years more and I shall make it convenient to be present whenever a least of the convenient to be present whenever a least of the convenient to be present whenever a least of the convenient to the convenient to the least of the convenient to the least of the convenient to the least of t flatly contradicted their assumption that well represented in the Washington cele-Mr. Burnham had committed suicide.

client was supplemented by this state-

\*Mr. Burnham was in good spirits before "Mr. Burnham was in good spirits before retiring and absolutely no reason can be assigned for his death other than accident. He had been in litigation for some time, but he was for many years involved in various litigations, and being a man of exceptionally strong mind and purpose it never seemed to depress him unduly, and his home life was extremely happy. He did not regard the recent receivership suit with alarm, and from my recent conversation with him I do not believe that he worried much about either that suit or the indictment, which he considered abandoned."

or the indictment, which he considered abandoned."

The heater from which the gas escaped contained a pitot light which when lighted facilite tes the lighting of the main flame. When the heater is once lit the pilot light is supposed to be turned off. The Coroner found that the cock of the pilot light had not been turned shut, but that the main feed cock for the heating flame was closed. In the opinion of Acritelli Mr. Burnham had not turned off the pilot light when he had the main flame going and then in desiring to shut off the heat he had closed the main cock while neglecting to turn out the main cock waile neglecting to turn out the pilot light. A slight draught would have blown out the pilot light under those umstances and the gas would have es

The Coroner did not consider an autops

The Coroner did not consider an autopsy necessary. He left the body in charge of the family. Mr. McGovern said that the burial would take place in Middletown, Conn., but that no date had yet been set for the funeral.

Mr. Burnham died with a great deal of litigation centring about him yet unsettled. He rested under criminal indictment on five counts, three charging grand larceny and two charging forgery in the second degree. He was also the defendant in a civil suit brought by the receivers of the Mutual Reserve Life Insurance Company, demanding an accounting for \$300,000, which the receivers charge Burnham as president misapplied. The five criminal charges under which Burnham rested were those brought by the Grand Jury in March, 1906, following the report of the Armstrong commission. Frederick Burnham, Jr., counsel for the Mutual Reserve company, and Frederick Eldredge, vice-president, were indicted simultaneously upon the same charges. The svidence was based on the apparent misapplication of funds of the insurance company through false entries and other means. Charges of \$1,500 and \$5,000 appearing on the company's books and discovered by Charles E. Hughes, then conducting the examination, were shown to be in settlement of private suits instituted by J. Douglas Wells and Thompson. to be in settlement of private suits insti-tuted by J. Douglas Wells and Thompson Patterson against Frederick A. and George Burnham, Jr., and Frederick Eldredge jointly, as individuals and not as officers

Jointy, as individuals and not as omcers of the company.

District Attorney Jerome took up the case of George Burnham first and tried him on the three larcenty counts. George Burnham was convicted on December 11, 1908, and was sentenced by Judge Greenbaum to two years in Sing Sing. He spent only four months in prison and was then released on bail after the conviction had been reversed by the Appellate Division.

Because of this reversal of the con-Because of this reversal of the conviction against George Burnham the District Attorney had not since taken up the similar charges of grand larceny against Frederick Burnham and Eldredge Attorney McGovern said yesterday that Frederick Burnham had felt sure he never would be tried on the larceny

Mr. Jerome did not press the forgery

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forgery charges under which Frederick Burnham had rested. Had he lived and had the Appellate decision been favor-able to Mr. Jerome the latter intended to bring Burnham to trial on the two

States. Circuit Court to take testimony in a suit brought against the receivers of the Mutual Reserve company to determine the priority of liens. In his testimony Burnham did not make clear several transactions, notably that with Horace A. Brockway, a director of the Mutual Reserve. According to the complaint in the receivers' suit \$6,500 was paid to Brockway as salary and returned by Brockway to Burnham two months later. This and other incidents mentioned in the receivers' complaint figured originally in the testimony given before the Armstrong commission.

the Armstrong commission.

Mr. Burnham was born in Rhede Island in 1851 and received his early education at Colchester, Conn. He was graduated from Middletown College, studied at the Albany Law School and was admitted to the bar in 1873. Twenty years ago, when the Mutual Reserve Life Fund Association was formed, he became its counsel. After the reorganization of its counsel. After the reorganization of this concern in 1881 he continued to be its counsel and eventually became president.

YALE TO HELP TAFT IN. Big Delegation Going to Washington

for the Inauguration. NEW HAVEN, Conn., Dec. 23.-A big Yale Glee and Banjo Club, will march on to Washington to take part in the inauguration of President-elect William Howard Taft when he takes his seat on March 4, according to the announcemen first Yale man ever elected President of

The Yale Taft Club is sponsor for the bration, and last week Frank S. Butter-Attorney McGovern's account of the worth, the president of the club, secured incidents surrounding the death of his an option on a seven story building in Washington, in which it is proposed to house the delegation, which will include.

house the delegation, which will include, beside the Yale men, between 500 and 1,000 prominent Connecticut citizens. The plan as outlined by Mr. Butterworth, who was one of the original Taft enthusiasts in New England and a personal friend of the President-elect, is to have Connecticut make a big showing at the inauguration. Prominent friends of the President-elect have been selected in every city in Connecticut to arrange a list of those who shall be invited to join the Yale-Connecticut picnic party.

Special trains will be run from this city directly through to Washington for the excursionists. The big building will be fitted in comfortable style. On one day during the inaugural festivities the Yale-Connecticut delegation will hold a big reception, when they will welcome guests to Washington from everywhere. It is expected that President Roosevelt and President-elect Taft will be the guests of the Nutmeg party on that occasion.

BAYONNE CLERKS MEEKER.

Willing to Accept Ties of Any Cole From Customers This Year.

Red neckties will be acceptable to the members of the Bayonne Retail Grocery Clerks Association again this year. So will neckwear of any other color. Last year the clerks got chesty and announced that because nine of every ten necktles presented to them by their customers were red they had decided to cut out neckties altogether from the list of in the morning. The only palatable acceptable presents. The result was Aperient Water of real medicinal value. that many other things, such as gloves. Unequaled for constipation, biliousmufflers and socks were also out out by the women customers, and Santa Claus was mighty stingy to the clerks.

was mighty stingy to the cierks.

The association met yesterday afternoon and Clarence Jones, Percy Williams, Alfred Longstreet and several other of the most prominent cierks came out flatfootedly in favor of the association receiving neckties, whether they be red or blue or black or green or white, this year. They declared that the action of the association a year ago resulted in much loss to their wardrobe. They advanced such convincing arguments that much loss to their wardrobe. They advanced such convincing arguments that when the question of receiving neckties this year was put there wasn't a dissenting vote. Last year the clerks declared that some of the ties they received were so lurid that they burned their collars.

Last night many husbands were diging through old trunks and boyes. ging through old trunks and boxes in attice and cellars and dishing up discarded ties to give their wives for presentation to the clerks.

The Whiskey for good Whiskey drinkers the world over.

John Jameson Three \*\* \*\* \*\* Star

W. A. Taylor & Co., Agents, New York

Sing Sing Prisoners Hear Bell Ringers. Ossining, N. Y., Dec. 23.-More than ,500 prisoners in Sing Sing listened to a concert in the Protestant Chapel by a troup if bell ringers this afternoon. Mrs. Ballington Booth arranged for the entertainment and delivered a short address. The concert takes the place of the usual Christmas Day entertainment.

CHRISTMAS TO-MORROW.

ASTOR PLACE-AND-FOURTH-AVENUE



Whether you'll spend it in Town or out of Town, we can supply you with the proper clothes. Evening Dress Suits \$37 to \$60

Tuxedo Seits 26 to 52 Sack Suits 18 to 48 Winter Overcoats 16 to 75 Fur Lined Overcoats A wide variety of furnish-

ESTABLISHED-OVER-HALF-A-CENTURY

ing goods.

I HAVE \$60,000 worth of office furniture always on hand. That means:

1. You will find the kind of wood, design and finish you want. 2. Assurance of prompt

delivery. I'll guarantee the value. \* Ask me to prove it.

OFFICE FURNITURE Canal St.—1 door East of B'way Telephone 1299 Spring

Cut Glass to-day may mean anything. hand made, not

Hoskins 354 BROADWAY
NEAR LEONARD, Stable Strong Worth St. Sub.

The bright side of things always turns up after a half wine glass full of

FRANZ JOSEF NATURAL APERIENT WATER

DIED.

ness, indigestion and stomach troubles.

BURTIS.—On December 23, 1908, at New York, Harriet Burtis. GOSMAN.- On Wednesday, December 24, Mrs. Leillia Nassau, widow of the Rev. Abraham

Gosman, D. D. Funeral services in Lawrenceville, N. J., Pres-byterian Church, Saturday, December 26, at

GOULD.—Suddenly, on Tuesday, at her residence, 712 St. Nicholas av., Ellen Lascil, daughter of the late Prof. Edward Lascil of Williams College and wife of the late Herman Day Gould of Delhi.

Service private. Burial at Delhi. N. Y., on
Thursday, December 24. Chicago and Peoria

JINDON.—Suddenly, on December 23, at Hotel Marie Antoinette, Elizabeth Thurston, widow of Eugene W. Guindon, in the 68th year of

ITCHCOCK.-On Wednesday, December 23. at the residence of his parents, 8 East 29th st... Center, eldest son of Thomas and Marie Center Hitchcock.

Puneral at the Church of the Transfiguration Saturday, December 26, at 11 A. M. Picase omit flowers. STRONG.—Suddenly, on December 31, Lewis Barton Strong, son of the late George Tem-pleton Strong and Ellen Ruggles Strong. Funeral services at Church of the Transfigura-tion, East 29th st., Thursdey morning, Decem-

ber 24, at half-past 10 o'clock. Interment Trinity Churchyard, Wall st. INFORMATION WANTED.

INFORMATION wanted of Hanche Mabel Blackball, who formerly resided in Toronto. Canada in 1888, but later is supposed to have goes to New York. Address VICTOR H. BLACKHALL. Grand Union Hotel, Turonto, Canada.

